

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND MONTEZELLO,

Plaintiff,

v.

PESCE, et al.,

Defendants.

No. 2:21-cv-00906-DJC-EFB (PC)

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 19, 2025, the Magistrate judge filed Findings and Recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 73.) No objections were filed and the time to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1)(C), this Court has reviewed the file and finds the findings and recommendations are supported by the record and by proper analysis. The Court therefore concludes that it is appropriate to adopt the findings and recommendations in full. This action is ready to proceed to trial, a settlement


conference between the parties having failed. The parties have submitted pretrial statements. (ECF Nos. 61, 64.)

Accordingly, it is hereby ORDERED that:

1. The Findings and Recommendations issued November 19, 2025 (ECF No. 73) are ADOPTED in full.
2. Plaintiff's October 24, 2025 motion (ECF No. 71) is DENIED.
3. Plaintiff's October 31, 2025 notice of shareholder's derivative action (ECF No. 72) is STRICKEN from the docket.
4. A final pretrial conference shall be held on March 12, 2026 at 1:30 p.m. via video conference. Zoom login instructions will be sent to Counsel, via e-mail, approximately ten days prior to the Final Pretrial Conference. Upon reception, Counsel shall immediately provide the Zoom information to the litigation coordinator at the institution of Plaintiff's incarceration.
5. Jury trial is scheduled to begin Monday, June 15, 2026 at 8:30 a.m. in Courtroom 7 before the Honorable Daniel J. Calabretta.

IT IS SO ORDERED.

Dated: **December 8, 2025**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE